

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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PETER M. BERNEGGER,

Plaintiff,

v.

Case No. 08-C-156

ROLAND BANKS, JR.,

Defendant.

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**ORDER**

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Pro se Plaintiff Peter M. Bernegger has filed a motion to depose, by remote means, Roland Banks, Jr., the Defendant in the above matter. He has also requested issuance of a subpoena from the Clerk of Court. Bernegger's motion and his request are hereby **DENIED**.

Presently pending before the Court is a motion to stay proceedings and require arbitration. The motion is not yet fully briefed, but the reply is due shortly. If granted, the motion would result in a termination of proceedings in this court. Thus, in response to Berneggers' motion for discovery, Banks has filed a motion for a protective order staying discovery until the pending motion to stay further proceedings and refer the matter to arbitration is decided.

Under the circumstances, I conclude that the discovery request should be held in abeyance until such time as the pending motion is decided. Bernegger's motion is therefore **DENIED**, and his request for issuance of a subpoena is likewise **DENIED**. Banks' motion for a protective order is **GRANTED**, and all discovery is stayed until the pending motion for arbitration is decided.

**SO ORDERED** this 14th day of October, 2008.

s/ William C. Griesbach  
William C. Griesbach  
United States District Judge